

REISSUE

Docket 75036DAN  
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Dale F. McIntyre, et al

HYBRID CAMERA SYSTEM  
WITH ELECTRONIC ALBUM  
CONTROL

Reissue Application No.

Filed Herewith

Reissue for U.S. Patent 5,940,121

Issued 17 August 1999

Group Art Unit:

Examiner:

Express Mail Label No. EL656967578US

*August 9, 2001*  
Date

Honorable Assistant Commissioner for Patents  
**Box Patent Applications**  
Washington, D.C. 20231

Sir:

DECLARATION OF MARY ELIZABETH READ

I, Mary Elizabeth Read, declare:

1. I am Manager of Patent Operations at Eastman Kodak Company ("Kodak") and have held that position since 1988.

2. My responsibilities include: (1) overseeing the functions of the Kodak Patent Legal Staff's paralegal support staff, including docketing, payment of maintenance fees and renewals, instituting foreign filings, and maintaining PCT files as well as (2) establishing the Kodak Patent Legal Staff's administrative procedures.

3. On August 18, 1992, I implemented Kodak's policy (copy attached) of destroying all original U.S. patents once appropriate computer entries had been entered in our docketing system. U.S. patents which issued prior to August 18, 1992, were removed from storage in Kodak archives and destroyed pursuant to this policy.

4. As indicated in the attachment, the Kodak Patent Legal Staff was advised by Muriel E. Crawford, Associate Solicitor, U.S. Patent and Trademark Office, that Kodak's policy of destroying original U.S. patents would satisfy the "inaccessible" requirement of 37 CFR § 1.178.

5. Original U.S. Patent 5,633,678; granted May 27, 1997, has been destroyed, pursuant to Kodak's above-described policy, and therefore, that patent is inaccessible.

6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

July 24, 2001  
Date

Mary E. Read  
Mary Elizabeth Read

MERead/p-w

Telephone: (716) 722-9893  
Facsimile: (716) 588-7413

Attachment

OFFICIAL COPIES OF U.S PATENTS

Effective August 18, 1992:

All official "ribboned" copies of U.S. Patents will be destroyed after the appropriate computer entries are made in our internal data base.

Those U.S. Patent currently stored at Concord Archives will be destroyed.

U.S. Assignments will be retained for the life of the patent by Patent Operations.

With regard to reissue proceedings, the text of a letter dated July 6, 1992, to J. Jeffrey Hawley from Murriel E. Crawford, Associate Solicitor at the USPTO follows:

"The 'ribbon copy' of a patent need not be surrendered in a reissue proceeding if it has been destroyed or discarded. A declaration stating that Kodak destroyed or discarded the 'ribbon copy' would be sufficient to base a conclusion of 'inaccessibility'.

However, if Kodak gives the 'ribbon copy' of the patent to someone such as the inventor, Kodak would be required to seek to obtain the 'ribbon copy' before same would be considered 'inaccessible'."

This procedure has been approved by Patent Legal Staff Management.

9/15/92 - MER

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Sir:

STATEMENT AND CONSENT OF ASSIGNEE IN SUPPORT OF REISSUE

The Eastman Kodak Company, hereinafter designated the Assignee, a corporation of the State of New Jersey, having a principal place of business at 343 State Street, Rochester, New York 14650, states that it is the assignee of the entire interest in Letters Patent 5,940,121, issued August 17, 1999, to the inventors Dale F. McIntyre and Dana W. Wolcott.

The Assignee consents to the accompanying application and hereby offers to surrender said Letters Patent. Assignee prays that said Letters Patent be reissued to the Assignee in the form indicated in the annexed amended specification. According to Assignee procedures, said Letters Patent was destroyed after all necessary computer entries were made and is therefore inaccessible.

The Assignee hereby appoints the attorney(s) and/or agent(s) associated with Eastman Kodak Company Customer No.

01333 with full power of substitution and revocation to prosecute this application, to make alterations and amendments therein, to receive the Letters Patent in its original and reissue forms, and to transact all business

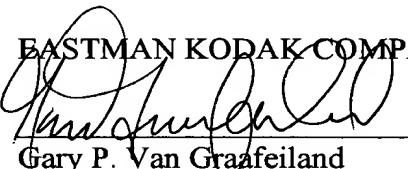
in the United States Patent and Trademark Office connected therewith, the said power to be exercised either separately or collectively by said attorneys as they shall from time to time elect. Please address all written communications to Milton S. Sales, Eastman Kodak Company, Patent Legal Staff, Rochester, New York 14650-2201 and direct all telephone calls to David A. Novais at 716-588-2727.

The undersigned declares further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and the such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

EASTMAN KODAK COMPANY

By:

  
7/24/01

Gary P. Van Graafeiland  
Senior Vice President  
and General Counsel

Date: 7-25-01

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Honorable Assistant Commissioner for Patents  
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Sir:

**37 CFR § 1.175 STATEMENT OF INOPERATIVENESS  
OF ORIGINAL PATENT (INVENTOR)**

Applicants, Dale F. McIntyre and Dana W. Walcott declare that:

We have reviewed and understand the contents of the specification, including the claims, of the attached reissue application.

We believe ourselves to be the original, first, and joint inventors of the subject matter claimed in HYBRID CAMERA SYSTEM WITH ELECTRONIC ALBUM CONTROL for which we solicit a patent, described and claimed in our original Letters Patent No. 5,940,121 ('121 patent), issued August 17, 1999, based on U.S. Patent Application Serial No. 08/803,548, filed February 20, 1997, and for the attached specification for which invention we solicit a reissue patent. As to the subject matter of the application, we do not know and do not believe that this subject matter was ever known or used in the United States

prior to our invention or discovery thereof. We have the following citizenship, residence and post office addresses:

2	FULL NAME OF INVENTOR	FAMILY NAME McIntyre	FIRST GIVEN NAME Dale	SECOND GIVEN NAME F.
0	RESIDENCE & CITIZENSHIP	CITY Rochester	STATE OR FOREIGN COUNTRY New York 14472	COUNTRY OF CITIZENSHIP USA
1	BUSINESS ADDRESS	BUSINESS ADDRESS Eastman Kodak Company	CITY 343 State Street, Rochester	STATE & ZIP CODE (COUNTRY) New York 14650 USA
2	FULL NAME OF INVENTOR	FAMILY NAME Wolcott	FIRST GIVEN NAME Dana	SECOND GIVEN NAME W.
0	RESIDENCE & CITIZENSHIP	CITY Rochester	STATE OR FOREIGN COUNTRY New York 14472	COUNTRY OF CITIZENSHIP USA
2	BUSINESS ADDRESS	BUSINESS ADDRESS Eastman Kodak Company	CITY 343 State Street	STATE & ZIP CODE (COUNTRY) New York 14650 USA

We believe that our issued '121 patent is partly inoperative by reason of our claiming more or less than we had a right to claim in the patent. The claims of the '121 patent are directed to an album creation and organization system for cameras in which images are captured on photographic film and on an electronic imager. It is believed that the album creation and organization system of the invention is applicable to other types of cameras such as digital cameras. Support for digital cameras can be found in col. 4, lines 18-22 of the '121 patent specification, which states that the "teachings of the present invention can extend to SLRs, as well as other known cameras, including digital cameras, which can also be adapted in a similar fashion".

The present reissue application overcomes the inoperativeness of the '121 patent by adding additional claims based on the original allowed claims, for example, to cover digital type cameras.

We acknowledge our duty to disclose information of which we are aware is material to the examination of this application.

The errors arose without any deceptive intention on our part.

We hereby appoint the attorney(s) and/or agent(s) associated with Eastman Kodak Company Customer No. 01333 to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith. Please address all written communications to Milton S. Sales, Eastman Kodak Company, Patent Legal Staff, Rochester, New York 14650-2201 and direct all telephone calls to David A. Novais at 716-588-2727.

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 	SIGNATURE OF INVENTOR 202 
DATE 7-31-01	DATE 7-31-01

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Commissioner for Patents  
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Washington, D.C. 20231

Sir:

**CERTIFICATE UNDER 37 CFR 3.73(b)**

The Eastman Kodak Company, hereinafter designated the Assignee, a corporation of the State of New Jersey, having a principal place of business at 343 State Street, Rochester, New York 14650, states that it is the assignee of the entire interest in U.S. Letters Patent No. 5,940,121, issued August 17, 1999, to the inventors Dale F. McIntyre and Dana W. Wolcott. The Assignee hereby confirms that an assignment for the subject patent was recorded on May 27, 1997, at Reel 8542/Frame 613-614 in the U.S. Patent and Trademark Office.

The undersigned has reviewed all the documents of title of the patent application identified above and to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are

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believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so make, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

EASTMAN KODAK COMPANY

By:

  
J. Jeffrey Hawley  
Assistant General Counsel

Date: 7/24/01

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